

C. Remarks

The claims are 6-15 with claims 6 and 11 being independent. Claim 6 has been amended to clarify the invention. Support for the amendment may be found throughout the specification and the drawings. Claim 11 has been amended to address section 112 issues. Claims 12, 14 and 15 have been amended solely as to matters of form. No new matter has been added. Reconsideration of the present claims is expressly requested.

Initially, Applicants wish to address the Examiner's comments regarding the term "resist" made on page 2 of the Office Action. The Examiner interpreted this term to represent merely a pattern. However, the resist is a material, which is described at, for example, page 15, lines 21-27. Appropriate consideration of the term "resist" is therefore respectfully requested.

Claim 6 is objected to due to an informality. The objection is believed to be overcome by the above amendment of this claim.

Claims 11-15 stand rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement. Specifically, the Examiner has alleged that the claims do not require the columnar parts to be coextensive through the insulator and the anodized layer, while the specification requires them to be coextensive.

In response, claim 11 has been amended as suggested by the Examiner to specify that the columnar parts extend at least into both layers. Accordingly, this rejection should be withdrawn.

Claims 6-15 stand rejected under 35 U.S.C. § 102(a) as being allegedly

anticipated by EP 0 951 047 A2 (Iwasaki). The grounds of rejection are respectfully traversed.

Prior to addressing the merits of rejection, Applicants would like to briefly review some of the key feature and advantages of the presently claimed invention. That invention is directed to a novel structure characterized in that an insulator and an anodized layer are formed on an electrical conductor, and that the insulator and the anodized layer have holes or columnar pores extending therethrough to the conductor. As a result of this construction, due to the presence of the insulator, the positioning of the holes or the columnar parts can be controlled.

Iwasaki discloses a structure having holes. In paragraphs [0041] and [0042], which were stressed by the Examiner in issuing the rejection, Iwasaki discloses that an interface between a nanohole and a silicon surface (conductor) has a partially oxidized portion (an insulator). Thus, the structure in Iwasaki has an insulator disposed between the hole and the conductor. This is clearly not a teaching of holes or columnar parts extending through the insulator to connect with or contact the electrical conductor, as presently claimed. In the present invention, the insulator is disposed between the anodized layer and the conductor, and not between the holes and the conductor as taught by Iwasaki. Accordingly, it is clear that the present invention is patentable over Iwasaki.

Claims 6, 8-11, 14 and 15 stand rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-19 of U.S. Application No. 10/385,570 (Den). Claim 12 stands provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-19 of Den in view of U.S. Patent No. 6,313,969 B1 (Hattori). The grounds of rejection are respectfully traversed.

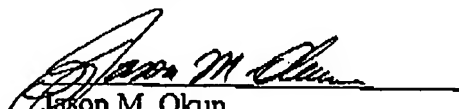
Applicants note that the presently pending claims in Den recite a plurality of holes, which are connected to a single hole. This is clearly different from the present claims in which each one of the holes or columnar parts of the first group connects to only one corresponding hole or columnar part of the second group. Accordingly, it is clear that the present claims are not a double patenting of the claims in Den. Furthermore, Applicants note that, under M.P.E.P. § 804(I)(B), if the provisional double patenting rejection is the only rejection remaining in the application, it should be withdrawn, so that the case can proceed to issue as a patent.

Wherefore, Applicants respectfully request that the outstanding objection and rejections be withdrawn and the present case be passed to issue.

This Amendment After Final Rejection should be entered because it places the case in allowable form. Alternatively, it places the case in a better form for a possible appeal.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,


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